

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREGORY J. LAUREANNO, *
Plaintiff *
V. * C.A. NO. 04-11592 RCL
THEODORE WILLIAM BACALIS, *
Defendant *

PLAINTIFF'S FIRST AMENDED COMPLAINT AND JURY TRIAL DEMAND

Introduction

1. This is a personal injury action arising out of a motor vehicle accident on August 31, 2001 on Pleasant Street in Fall River, Massachusetts. The Plaintiff is Gregory J. Laureanno of Somerset, Bristol County, Massachusetts. Plaintiff was the operator of a stopped motor vehicle that was struck by a delivery truck backing up in an attempt to make a turn at an intersection. The delivery truck was owned by and registered to Deaton, Inc., an Alabama corporation, and negligently operated in the course of his employment by its employee, the Defendant, Theodore William Bacalis, of Portsmouth, Virginia.

Parties

2. The Plaintiff, Gregory J. Laureanno, is an individual who resides in Somerset, Bristol County, Massachusetts.

3. The Defendant is Theodore William Bacalis (hereinafter, "Bacalis") of 3203 Westwood Crescent, Portsmouth, Virginia, an individual, who at all relevant times was employed by Deaton, Inc. as a truck driver operating Deaton, Inc.'s truck.

Jurisdiction

4. This Court has jurisdiction pursuant to 28 USC 1332(a)(1) based upon diversity of citizenship. The matter in controversy exceeds \$75,000, exclusive of interest and costs.
5. At all relevant times, the Defendant is subject to the personal jurisdiction of this Court by conducting business in the Commonwealth of Massachusetts, operating a motor vehicle within the Commonwealth of Massachusetts, and committing tortious conduct within the Commonwealth of Massachusetts.

Facts

6. On or about August 31, 2001, the Plaintiff was the operator of a motor vehicle that was stopped in traffic on Pleasant Street in Fall River, Massachusetts.
7. At the same time, the Defendant Bacalis, while in the course of his employment for Deaton, Inc., was operating a truck, owned by and

registered to Deaton, Inc., in a southerly direction on Pleasant Street in Fall River, Massachusetts.

8. The Defendant Bacalis negligently operated the aforesaid truck causing it to strike the stopped motor vehicle in which the Plaintiff was operating.
9. The negligence of the Defendant Deaton was the direct and proximate cause of the Plaintiff incurring severe injuries.

Count One - Negligence Claim of Gregory J. Laureanno Against Theodore

William Bacalis

10. The Plaintiff, Gregory J. Laureanno, repeats and incorporates by reference paragraphs 1 through 9 of his Complaint.
11. As a direct and proximate result of the negligent operation of the truck, Plaintiff, Gregory J. Laureanno, incurred physical and mental pain and suffering, past and future medical expenses, past and future lost earning capacity, and past and future diminished ability to enjoy life.

WHEREFORE, the Plaintiff, Gregory J. Laureanno, demands judgment against the Defendant Bacalis in an amount sufficient to compensate him for his damages together with costs, expenses, and interest.

JURY TRIAL DEMAND

The Plaintiff hereby demands and claims a trial by jury on all issues raised in his Complaint and the responsive pleadings of the Defendant.

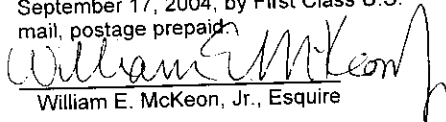
Respectfully submitted,
The Plaintiff,
by his attorney,



William E. McKeon, Jr., Esq.
B.B.O. # 336510
Ten North Main Street
Fall River, Massachusetts 02720
508/677-4424

Dated: September 17, 2004

CERTIFICATE OF SERVICE
I, William E. McKeon, Jr., Esq. hereby
certify that this document was served
on all counsel of record this day,
September 17, 2004, by First Class U.S.
mail, postage prepaid.


William E. McKeon, Jr., Esquire